



## TERMS OF REFERENCE

### INDIVIDUAL CONSULTANT

**Ref#:** RPS\_125\_2022 (National Consultant)

<b>Name of service:</b>	Support the Development of 3 Case Studies on Good Practices in Combatting Corruption in Business at the Sub-National Level in Lao PDR		
<b>Project:</b>	Promoting a Fair Business Environment in ASEAN ("Fair Biz")		
<b>Reporting to:</b>	Mr. Seán O'Connell, UNDP Team Leader for Governance		
<b>Duty Station:</b>	Vientiane, Lao PDR	<b>Travel Required:</b>	Yes (Domestically)
<b>Duration of Assignment</b>	30 days	<b>Contract Type</b>	Individual Contractor ( <b>National</b> )
<b>Application Deadline</b>	19 June 2022		
<b>Start Date:</b>	18 July 2022	<b>End Date:</b>	30 November 2022
<b>Women, persons with disabilities, persons from ethnic groups, and people from other diverse groups are encouraged to apply</b>			

## I. BACKGROUND & PROJECT DESCRIPTION

### BACKGROUND:

Lao PDR ratified the [UN Convention Against Corruption](#) in 2009 and, over the past decade, issued a number of anti-corruption laws to domesticate the Convention, including Law No.27 Against Corruption, Law No.50 on Anti-Money Laundering and Combatting the Financing of Terrorism, and Decision No. 1124 on Prohibitions and Disciplining State Employees in the Finance Sector. The Lao Penal Code also includes a stand-alone chapter on corruption and bribery. The [OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#) is yet to be ratified by the Government.

The enforcement of the existing anti-corruption regulatory framework remains weak in Lao PDR. In 2021, the country ranked 134/180 countries in the Transparency International Corruption Perception Index with a [transparency score of just 29](#), becoming the 3<sup>rd</sup> most corrupt country in ASEAN. The 9<sup>th</sup> National Socio-Economic Development Plan (NSEDPlan) (2021-2025) includes "increasing Lao PDR's ranking in Corruption Perception Index by 2025" among the key implementation priorities for public governance.

National and international businesses have repeatedly identified corruption as a problem in the business

environment and a major detractor for international business enterprises exploring investment or business activities in the Lao market. The [Study on “Economic Governance for Business development in Lao PDR”](#), conducted by ADB in 2019, suggests that 2/3 of businesses in the country must pay informal charges to ensure their business operations. According to ADB, on average, these informal charges account for 5.6% of a business enterprise’s revenue.

### **PROJECT DESCRIPTION:**

**UNDP CO in Lao PDR:** Guided by the global [UNDP Strategic Plan](#) (2022 – 2025) and [UNDP Country Programme for Lao PDR](#) (2022 – 2026), the UNDP Country Office (CO) in Lao PDR works closely with the line Ministries, mass organizations, civil society, development partners, and the private sector at both national and sub-national levels in pursuit of the national socio-economic development priorities defined in Lao PDR’s 9<sup>th</sup> NSEDP and localized Sustainable Development Goals (SDGs). The UNDP CO’s work is strongly focused on the provision of policy advice and technical support to the Government in the design and implementation of national legislation and strategies across 4 broad Priority Pillars: **(1)** inclusive growth and reduced inequalities; **(2)** UXO clearance and risk education; **(3)** natural resources, climate change, and disaster risk reduction; as well as **(4)** effective, responsive and accountable governance.

**UNDP CO, Governance Unit:** The UNDP CO’s programming on effective, responsive, and accountable governance, *inter alia*, focuses on the provision of policy advice and technical support to the Government to: **(1)** enhance the rule of law and access to justice; **(2)** strengthen the role and capacities of the National Assembly and People’s Provincial Assemblies; **(3)** streamline the public administration reform and national initiative on decentralization (Sam Sang Directive); as well as to **(4)** expand public participation in the national policy- and decision-making.

**UNDP Governance Unit, Anti-Corruption:** In the area of the rule of law and access to justice, UNDP Governance Unit, *inter alia*, partners with the Lao National Chamber of Commerce and Industry (LNCCI), International Chambers, and individual businesses domiciled in Lao PDR to strengthen business integrity and transparency through the country-level implementation of the UNDP regional project “Promoting a Fair Business Environment in ASEAN” (“Fair Biz”), funded by the Government of the UK. The regional Project is currently implemented in 7 countries in South-East Asia and aims to: **(1)** facilitate regional collaboration, **(2)** establish rules for fair business, **(3)** improve public procurement transparency, and **(4)** encourage responsible business practice.

In the framework of the “Fair Biz” Project in Lao PDR, in 2022, UNDP CO seeks to achieve the following objectives:

1. Document and analyze good practices in combatting corruption in business at the sub-national level;
2. Recommend strategies and measures required to reduce corruption in business at the sub-national level;
3. Inform the implementation of Lao PDR’s COVID-19 Socio-Economic Recovery Plan and the development of a National Action Plan on Responsible Business Practice.

## **II.OBJECTIVE**

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The overall objective of the assignment is to lead the development of 3 Province-specific Case Studies on good practices in combatting corruption at the sub-national level in Lao PDR, with the focus on the following research questions:

### **Businesses:**

- What is the prevalence, types, frequency, and motivation behind corruption experienced by businesses operating in the selected Province? Is there a correlation between business profiles (size, industry, ownership, number of countries of operation, competitive pressure, gender and age of the CEO, etc.) and the level of exposure to corruption in the selected Province?

- What is the level of anti-corruption legal awareness among businesses operating in the selected Province? What is the level of tolerance for corruption by businesses operating in the selected Province? Is there a correlation between legal awareness and tolerance for corruption in the selected Province?
- What are internal anti-corruption mechanisms established by businesses operating in the selected Province?

**Sub-National Authorities:**

- What is the effect of corruption on economic activity and performance in the selected Province?
- What strategies and measures are recommended to sub-national authorities for reducing corruption in business in the selected Province.

The Case Studies shall be developed through a desk review, as well as quantitative and qualitative methods of primary data collection from at least 3 Provinces. The selection of target Provinces and recommended strategies and measures shall be informed by good practices from the Provinces ranked high in the ADB’s Study on “Economic Governance for Business development in Lao PDR”. Each Case Study shall obtain a representative sample of businesses reflecting the diversity of their profiles.

### III.SCOPE OF WORK

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The National Consultant will work under the supervision of the UNDP Team Leader for Governance, and will be supported by technical advice and guidance from the International Consultant procured for the same service.

The tasks of the National Consultant will include:

1. Lead the production of an outline, methodology, and research plan of the Case Studies for UNDP’s and LNCCI’s review:
  - Draft an outline of the Case Studies which shall at least include responses to the research questions listed above;
  - Develop a research methodology and plan specific activities under the assignment, including the selection of the target Provinces and potential interviewees.
2. Lead preliminary desk research to identify available data and existing analysis against the approved outline and methodology of the Case Studies.
3. Lead the preparation and facilitation of primary data collection in the selected Provinces to verify and complement the preliminary desk research with: **(1)** Individual businesses operating in the selected Provinces; and **(2)** sub-national authorities in the selected Provinces.
4. Lead drafting of the Case Studies for UNDP’s and LNCCI’s review.
5. Validate, finalize and present the Case Studies, approved by UNDP and LNCCI:
  - Validate the findings and recommendations through at least 2 peer-reviews by experts nominated by the “Fair Biz” Project at the country and regional levels;
  - Address the feedback provided and finalize the Case Studies approved by UNDP and LNCCI;
  - Present the Case Studies at a dissemination event.

### IV. DELIVERABLES & IMPLEMENTATION TIMELINE

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No.	Deliverable	Estimated Days to Complete	Target Due Date
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1	Produce an outline, methodology, and research plan for the Case Studies for UNDP's and LNCCI's review	1	22 July 2022
2	Conduct preliminary desk research	3	12 Aug 2022
3	Prepare and facilitate primary data collection	12	30 Sep 2022
4	Draft the Case Studies for UNDP's and LNCCI's review	10	28 Oct 2022
5	Validate, finalize and present the Case Studies approved by UNDP and LNCCI	4	30 Nov 2022

## V. DURATION OF ASSIGNMENT, DUTY STATION & EXPECTED PLACES OF TRAVEL

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**Estimated number of working days:** 30 working days

**Duty station:** Vientiane, Lao PDR

**Expected places of travel:** Domestic travel to the selected Provinces; travel expenses shall be included in the Financial Proposal

## VI. PROVISION OF MONITORING & PROGRESS CONTROL

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The National Consultant will work under the technical guidance and report to the UNDP Team Leader for Governance.

## VII. ADMINISTRATIVE SUPPORT & REFERENCE DOCUMENTS

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### Administrative Support

Administrative support for the National Consultant will be provided by the UNDP Governance Unit Programme Associate and UNDP Operations Team. The "Fair Biz" Project will ensure the liaison between the National Consultant, International Consultant, LNCCI, and other local stakeholders, as well as access to the national primary sources and secondary literature as required.

### Reference Documents

- 9<sup>th</sup> NSEDP (2021-2025);
- Concept Note of the "Fair Biz" Project;
- [UNDP "Fair Biz" Project website](#);
- [ADB's Study on "Economic Governance for Business development in Lao PDR"](#).

## VIII. DEGREE OF EXPERTISE & QUALIFICATIONS

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<b>Qualifications:</b>	Advanced University Degree (Master's level) in business administration, governance, the rule of law, or a related field is preferred. A Bachelor-level Degree with 2 additional years of professional experience is also acceptable.
<b>Relevant Professional Experience:</b>	<ul style="list-style-type: none"> <li>– At least 3 years of experience with Master's degree and 5 years with a Bachelor's degree in the fields of governance, the rule law, or a related field; experience in business at the national and/or trans-national levels is required;</li> <li>– Experience in supporting comprehensive research studies in the fields of governance and the rule of law;</li> <li>– Experience within the UN system would be an asset.</li> </ul>
<b>Other Competencies:</b>	<ul style="list-style-type: none"> <li>– Strong analytical and writing skills;</li> <li>– Skilled usage of computers and office software packages.</li> </ul>
<b>Language Requirements:</b>	English and Lao proficiency.

## IX. PAYMENT TERMS

Payment will be made based on **(1)** delivery of the outputs outlined in Section IV; and **(2)** actual number of working days certified by the UNDP Team Leader for Governance.

No.	Deliverables as Indicated in Section IV	Due Date	Payment Amount
1	Finalization of the preliminary desk research	12 Aug 2022	40%
2	First draft of the Case Studies	28 Oct 2022	40%
3	Presentation of the final Case Studies approved by UNDP and LNCCI	30 Nov 2022	20%

## X. CONSULTANT PRESENCE REQUIRED ON DUTY STATION

NONE       PARTIAL       INTERMITTENT       FULL-TIME

## XI. EVALUATION CRITERIA

Criteria	Description of Criteria	Points
<b>Technical Criteria</b>		<b>70</b>
Qualification	University Degree in the relevant field	20
Experience	Experience in the fields of business administration, governance, the rule of law, or related fields	20
	Experience in business	2
	Experience in supporting comprehensive research studies in the fields of governance and the rule of law	20
	Experience with the UN system	2
Competencies	Strong analytical and writing skills	2
Languages	English and Lao proficiency	4
<b>Financial Criteria</b>		<b>30</b>

<b>Total</b>	<b>100</b>
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## Criteria for Evaluation of Proposal

Offers will be evaluated according to the cumulative analysis of the Technical and Financial Scoring method – where the Technical Proposal will be weighted at 70%, and the Financial Proposal will weigh at 30% of the total scoring. Only candidates obtaining a minimum Technical Score of **49 points** would be considered for a further Financial Evaluation.

The applicant receiving the highest combined Technical and Financial Score and meeting other minimum requirements in the Procurement Notice will be awarded the Contract.

## Requirements for Submission of Proposals

All interested and qualified Individual Consultants shall apply online using the following link: [UNDP Lao PDR CO website](#).

**In order to make a submission, please read the relevant documents available at the links below:**

1. TOR (Annex I)
2. [IC General Terms and Conditions Annex II](#)

**Interested Individual Consultants must submit the following documents/information to demonstrate their qualifications:**

1. Free-Form Technical Proposal:
  - Explaining why you are the most suitable for the work;
  - Providing a brief methodology on how you will approach and conduct the work, including the work schedule for the delivery of outputs/deliverables;
2. [P11 Form](#): Education and work experience, including past experience in similar projects and contact references of at least 3 references for whom you have rendered preferably the similar services;
3. [Financial Proposal Form](#): Lump sum offer with clear cost breakdown against each deliverable.

## Instructions for Online Submissions:

- **Step 1:** Please prepare all required documents electronically;
- **Step 2:** Combine all the required documents in **ONE SINGLE FILE** (preferably in PDF; however, Word format can also be accepted) and upload to the UNDP Jobs website using the link above;
- **Step 3:** After that, you will receive an auto-reply from the UNDP Jobs website if your offer is received successfully.

**Incomplete Proposals or Proposals received after the deadline will be rejected.**

**Note:** Any request for clarification must be sent in writing before the submission deadline to the following email: [surith.sengsavang@undp.org](mailto:surith.sengsavang@undp.org)